

Notice of Allowability	Application No.	Applicant(s)
	10/019,236	BIRD ET AL.
	Examiner	Art Unit
	Isis Ghali	1615

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 10/26/2005.
2. The allowed claim(s) is/are 1,4-8,11,12,15,16,23-26,28-30,32-36,39-45,51-59,61-72,75,77 and 78.
3. The drawings filed on 28 December 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
 Paper No./Mail Date _____.
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date 10/26/2005.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

THURMAN K PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Thomas Cawley on October 26, 2005.

The application has been amended as follows:

- Cancel claims 46-49, 60, 73, 74, and 76.
- In claim 8, second line, after the word "SCFA", delete "is".
- In claim 12, line 3, after the word "eicosapentaenoic acid" and before the word "docosahexaenoic", insert the operator ---- and ----.
- In claim 29, line 1, at the end of the line, change the dependency of the claim from "23" to ---- 28 ----.
- In claim 32, line 2, after the phrase "wherein the" and before the word "degree" insert the phrase ---- the carbohydrate has a ----.
- In claim 33, line 2, after the phrase "wherein the" and before the word "degree" insert the phrase ---- the carbohydrate has a ----.
- In claim 39, line 2, after the word "fatty" and before the word "delivery", insert the word ---- acid ----.
- In claim 44, line 1, change the dependency of the claim from "39" to --- 41----.

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- In claim 45, line 1, change the dependency of the claim from "39" to --- 41----.
- In claim 62, line 8, replace the word "including" after the word "group" and before the word "guar" by the phrase ---- consisting of -----.
- In claim 71, line 1, change the dependency of the claim from "39" to --- 70----.
- In claim 72, line 1, change the dependency of the claim from "39" to --- 70----.
- In claim 75, line 2, replace the phrase "list including" after the word "the" and before the word "diarrhea" by the phrase ---- group consisting of -----.
- In claim 78, line 1, change the dependency of the claim from "42" to --- 77----.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: the closest prior art does not teach or suggest formulation for nasogastric delivery comprising fatty acid covalently bonded to a carbohydrate carrier to deliver fatty acids in the colon, wherein the carbohydrate carrier is present in an amount of 0.25% to 5% w/v of the formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isis Ghali whose telephone number is (571) 272-0595. The examiner can normally be reached on Monday-Thursday, 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isis Ghali
Examiner
Art Unit 1615

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SUPERVISORY PATENT EXAMINER
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